

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WAYNE WHITCOMB, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

Case No. 2:15-cv-12363-GAD-MJH  
HON. GERSWHIN A. DRAIN

CONTINENTAL CAFÉ', INC., d/b/a  
CONTINENTAL CANTEEN and  
CONTINENTAL SERVICES, jointly  
and severally,

Defendants.

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RIVERS, P.C.  
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**SUPPLEMENT TO DEFENDANTS' (SIC) MOTION TO DISMISS**

Attached is a supplemental copy of Exhibit 2 to Defendants' (Sic) Motion to Dismiss, which is filed because page 2 of Exhibit 2 was inadvertently omitted from the filing on November 13, 2015.

BODMAN PLC

By: /s/Maureen Rouse-Ayoub  
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Dated: November 16, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2015, I electronically filed the foregoing paper with the Clerk of the Court for the Eastern District of Michigan using the ECF System which will send notification to the following registered participants of the ECF System as listed on the Court's Notice of Electronic Filing:

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Dated: November 16, 2015

## **EXHIBIT 2**

UNITED STATES DISTRICT COURT  
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AFFIDAVIT OF JIM BELISLE

STATE OF MICHIGAN      )  
                                  ) SS.  
COUNTY OF MACOMB      )

Jim Belisle, being first duly sworn, states:

1. I am the Senior Vice President and Chief Financial Officer for Continental Café, Inc. (“Continental”), a position I have had for seven (7) years.

2. Wayne Whitcomb (“Whitcomb”) was previously employed as a route driver for Continental. Whitcomb was responsible for servicing and filling vending machines for assigned customers of Continental in the Detroit metropolitan area.

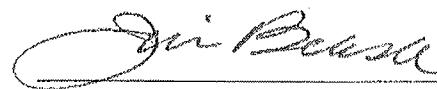
3. A route driver begins each work day by reporting to the facility to pick up his assigned Continental truck.

4. Route drivers, including Whitcomb, carry a handheld device that is used to scan each vending machine. The handheld device records the time of each scan on the route throughout the day. At the end of each day, the information recorded by the handheld is downloaded when the route driver returns to the facility.

5. Continental has calculated the alleged overtime hours worked by Whitcomb through the data recorded by him on his handheld device. No deductions were made for lunch or breaks. One (1) hour per day was added to the calculation for travel and preparation to service the route. Alleged overtime compensation was then determined by applying 150% of Whitcomb’s regular rate to such overtime hours.

6. On October 5, 2015, Continental made an Offer of Judgment to Whitcomb in the amount of Fourteen Thousand Nineteen and 90/100 (\$14,019.90) Dollars and reasonable attorney fees, costs and expenses to be determined by the Court. Such amount was the result of the overtime calculation. Such Offer of Judgment constitutes all possible damages available to Whitcomb.

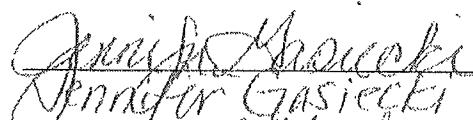
7. If called upon to testify, I may do so based upon my personal knowledge.



Jim Belisle

Dated: 11-12-2015

Subscribed and sworn to before  
me this 12<sup>th</sup> day of Nov, 2015

  
\_\_\_\_\_  
Jennifer Gasiecki  
Notary Public, Oakland County, Michigan  
Acting in Macomb County, Michigan  
My Commission Expires: 2/10/22